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<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
3296		3568	Letter dated 8 October 1945 from the Private Secretary of Ex-Prime Minister Higashi-kuni delivered to GHQ Public Relations Officer re several questions asked by the Allied Press on 18 September 1945		34715
3300		3569	Excerpt from the Osaka Mainichi, 16 September 1941 issue - "Make Manifest the Reality of National Total Warfare" by Admiral SHIMADA		34744
3327		3570	Excerpt from the Tokyo Mainichi, 7 July 1942 issue - Gist of Talk published by the Navy Minister SHIMADA and Foreign Minister TOGO		34752
		3571	Volume (printed in Japanese) of Navy General Staff Directives for the latter part of 1944		34786
3196-A		3571-A	Excerpt therefrom - Instructions to TOYODA, Commander- in-Chief of the Combined Fleet from		

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(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
3196-A		3571-A (cont'd)	SHIMADA, Shigetaro, Chief of the Naval General Staff dated 21 July 1944	34786	
		3572	Bound Volume entitled "Headquarters No. 5, Outline of Meritorious Records in Greater East Asia, 1 December 1943 to 31 May 1944	34789	

Monday, 8 December 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE SIR WILLIAM F.
WEBB, Member from the Commonwealth of Australia and
HONORABLE JUSTICE LORD PATRICK, Member from the
United Kingdom of Great Britain, not sitting from
0930 to 1600; HONORABLE JUSTICE JU-AO MEI, Member
from the Republic of China, not sitting from 1500 to
1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 ACTING PRESIDENT: All the accused are present
4 except MATSUI, who is represented by counsel. We have
5 a certificate from the prison surgeon at Sugamo cer-
6 tifying that he is ill and unable to attend the trial
7 today. The certificate will be recorded and filed.

8 Captain Robinson.

9 - - -

10 S H I G E T A R O S H I M A D A, an accused, resumed
11 the stand and testified through Japanese interpre-
12 ters as follows:

13 CROSS-EXAMINATION

14 CAPTAIN ROBINSON: Mr. President and Members
15 of the Tribunal, may the witness be shown the same
16 document which had been handed to him last Friday, IPS
17 No. 3296?

18 (Whereupon, a document was handed
19 to the witness.)

20 CAPTAIN ROBINSON: I desire to offer this
21 document for identification only, and then to ask the
22 witness another question on it, if the Court please.

23 CLERK OF THE COURT: Prosecution document
24 No. 3296 will receive exhibit No. 3568 for identifica-
25 tion only.

(Whereupon, the document above referred to was marked prosecution exhibit 3568 for identification.)

CAPTAIN ROBINSON: If the Court please, I have a Japanese newspaper which has the Japanese translation in it and which the witness may use for reference if he desires.

ACTING PRESIDENT: What was the original document? In English or Japanese?

CAPTAIN ROBINSON: The original document is in English, sir.

ACTING PRESIDENT: Hasn't it been translated?

CAPTAIN ROBINSON: Yes, sir. He has a copy now, your Honor.

BY CAPTAIN ROBINSON (Continued):

Q Now, at the end of this document, Admiral SHIMADA, paragraph 3 states: "3. Regarding the question as to what time His Majesty signed the Imperial Rescript, His Majesty affixed his signature to the Imperial Rescript at 11:30 a.m. 8 December 1941, Tokyo time." Is that statement correct?

A Yes.

Q That was the Japanese declaration of war against America and Britain, was it not?

A I think the way you stated it might invite

1 misunderstanding. This Imperial Rescript was issued
2 to the people of Japan. This Imperial Rescript was
3 to express the Imperial will to the people of Japan,
4 and it was to this Rescript that His Majesty affixed
5 his signature at the time mentioned by you.

6 Q I wish to ask two questions on that point.
7 First, does the second paragraph of this Imperial
8 Rescript not read as follows: "We hereby declare war
9 on the United States of America and the British Empire"?

10 A As I haven't got the real thing here I cannot
11 say, but it was to that effect.

12 Q The second question. Was it not this declara-
13 tion of war which was delivered to the United States
14 Government on December 10, 1941?

15 A I know nothing about such diplomatic procedure.

16 Q The attack at Pearl Harbor had begun about
17 seven hours earlier, had it not?

18 A Seven hours before what?

19 Q The words you just read. 11:30 a.m., wasn't it?

20 A Before 11:30. Then that means about seven
21 or eight hours previously.

22 Q That was my question. Is that your answer?

23 A The 11:30 on this document is as I have
24 already explained before. The delivery of the Japanese
25 notification to the United States Government was

1 arranged so that it would take place at 1 p.m.,
2 Washington time, 7 December.

3 CAPTAIN ROBINSON: Now, if the Court please,
4 the prosecution moves that answer be stricken out. It
5 is irrelevant, immaterial, and is not responsive to the
6 question asked the witness.

7 ACTING PRESIDENT: It is not responsive, but
8 that is no reason why it should be stricken out.

9 Q What word had you received from Pearl Harbor,
10 Admiral?

11 A As I heard of the first report only by tele-
12 phone I have no exact recollection. But as I recall
13 the report was to the effect that the attack was car-
14 ried out well.

15 Q When did you receive that report and from whom?

16 A I received the report from my private secretary.
17 Although I am not exact as to the time, I think it was
18 around 5 o'clock in the morning.

19 Q Where had your private secretary received the
20 report?

21 A He reported to me in accordance with a telegram.

22 Q From whom?

23 A The telegram was probably addressed to the
24 Commander-in-Chief of the Combined Fleet, and that
25 telegram was intercepted I think.

1 Q By Commander-in-Chief of the Combined Fleet
you refer to Admiral YAMAMOTO?

2 A Yes.

3 Q Do you know the source of the telegram? Who
4 sent it?

5 A It was supposed to have been sent by the
6 commander of the task force, Admiral NAGUMO.

7 Q Did you know that notification had not been
8 delivered to the United States Government before the
9 attack?

10 A At that time I did not know.

11 Q When did you find out?

12 A I heard of this definitely after Admiral,
13 Ambassador NOMURA returned to Japan.

14 Q About what date?

15 A I have no exact recollection now, but it was
16 some time in 1942.

17 Q Had you reported the attack to the Emperor?

18 A At that time?

19 Q At any time?

20 A That was the duty of the Chief of the Naval
21 General Staff.

22 Q Do you know when the Emperor learned that his
23 command that notification be delivered before attack
24 had not been complied with?
25

1 MR. BRANNON: We object to that on the ground
2 that it assumes that the Emperor issued a command on
3 that direct point, and there is no evidence yet pre-
4 sented before the Tribunal to that effect.

5 ACTING PRESIDENT: That is no reason for an
6 objection.

7 MR. BRANNON: I submit that proper cross-
8 examination must be predicated upon the facts in issue.
9 And any time that counsel assumes a fact as proven that
10 is not proven I have a right to object.
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1 ACTING PRESIDENT: What have you to say,
2 Captain Robinson?

3 CAPTAIN ROBINSON: Cross-examination, as the
4 Court knows, has wide latitude in an effort to elicit
5 the truth. The record at page 34,712 and 34,713 contains
6 the statement of this witness that it was His Majesty's
7 understanding that in executing the operations at Pearl
8 Harbor the Government of the United States would be duly
9 notified prior to the commencement of armed action. The
10 witness in evidence also cited to us Article 11 of the
11 Constitution of Japan, pointing out that the Emperor
12 is the commander in chief of the Japanese Army and Navy.
13 The witness has said at page 34,713 that the Emperor --
14 that that was not only the policy and the idea of the
15 Emperor but it was also the policy of the government.
16 I do not think that the prosecution should be required
17 to produce a written order of the Emperor in order to
18 comply with the objection made by counsel.

19 ACTING PRESIDENT: Objection overruled.

20 Q Answer the question, will you?

21 A May I have the question again?

22 (Whereupon, the Japanese court reporter
23 read.)

24 A I do not know.

25 Q You stated Friday that you knew it had been the

1 Emperor's understanding and policy, is that not correct?

2 A That was the august virtue of His Majesty
3 himself. Your question was as to when His Majesty learned
4 that the note was not delivered -- the note was not able
5 to have been delivered, and it was because the question
6 was formed in that manner that I said I do not know.

7 Q Well, now, what we want to know, Mr. Witness,
8 is why you were not interested in finding out whether
9 or not the wishes and request and policy of the Emperor
10 had or had not been complied with in that important
11 attack at Pearl Harbor. Was it a matter of no concern
12 to you?

13 A No, it was not a case of no concern. It was a
14 matter of the utmost importance not only to me but to
15 the government.

16 Q Why didn't you check up on it then as the head
17 of the navy and as a Minister of State in finding out
18 whether or not the Emperor had received -- whether or
19 not the Emperor's wishes had been complied with?

20 A That was the most important task of the Ministry
21 for Foreign Affairs and we had the utmost confidence
22 and reliance in the Foreign Office.

23 Q Are you placing the responsibility then entirely
24 upon the defendant TOGO with regard to performing this
25 wish and order of the Emperor?

1 A In deciding it the Foreign Office and others
2 concerned participated in making the decision. After
3 the time had been fixed, how it would be delivered --
4 there was nothing that others not directly concerned
5 could do or help.

6 Q ell, do you mean to say, Mr. Witness, that
7 you were not directly concerned as a Minister of State
8 and a fellow member of the cabinet with the Foreign
9 Minister? Were you not directly concerned to cooperate
10 with him and see that this important matter was carried
11 out?

12 A As I have said before, it was a matter of the
13 utmost concern. However, there was nothing I could do
14 about it because the job, the task of having the note
15 delivered from the Foreign Office to the ambassador on
16 the spot was entirely a matter of the Foreign Office
17 and others outside of that had nothing they could do
18 about it.

19 Q Therefore, you did nothing in advance and nothing
20 after the attack in regard to the delivery of this notice?

21 I I was only anxious but I had no desire to inter-
22 fere in a task which duly belonged to the Foreign Office.
23

24 Q In your affidavit you state that the Foreign
25 Minister, Mr. TOGO, says that he remembers that Admiral
ITO, Vice Chief of the Naval General Staff, had tried

1 to prevent the Foreign Office from sending any notice.

2 "as that your view also?

3 A That is entirely not the case. As I have
4 said in reply to your questions before, it was the desire
5 of His Majesty, the Emperor, that notification be given
6 in advance. That was also the policy of the government
7 in strict observance of international law. It has been
8 the tradition of the Imperial Navy, -- a tradition which
9 it has taken great pride in -- to strictly adhere to
10 the provisions of international law ever since the
11 Russo-Japanese War. We of the Japanese Navy have never
12 at any time held such petty views or ideas as to try to
13 take advantage of the opposite party by violating inter-
14 national law. Not to mention Admirals NAGANO and ITO,
15 I have never heard that there was anyone in the Navy
16 which dared entertain such petty ideas.

17 Q You have heard the testimony in this case,
18 have you not, when Admiral Richardson testified that
19 Admiral NAGANO, as Chief of Naval General Staff, and
20 Admiral YAMAMOTO, as Commander-in-Chief, Combined Fleet,
21 were insistent that the utmost secrecy be observed in
22 regard to the attack at Pearl Harbor; is that not correct?

23 A I do not know from whom Admiral Richardson
24 heard of such a thing, but there could be no possibility
25 of his knowing that.

Q And do you deny that there was occasion for
1 the -- strike that question.

2 Do you deny that there was any member of the
3 Japanese Navy who did not think that the notification
4 procedure should be avoided in order to prevent the
5 failure of the Pearl Harbor plan?

6 A Never, at no time, has any such information
7 of anybody concerning the Navy entered my ears. Not
8 only that, Admiral YAMAMOTO was one of those who was
9 most concerned about strict adherence to the provisions
10 of international law, and on the basis thereof, to give
11 advance warning or advance notification, and before
12 the attack took place he was very much concerned about
13 it and had repeatedly insisted upon making that matter
14 certain. when he came to Tokyo before the war commenced.
15 And so, in the course of the general phase in this
16 Tribunal, several members of the Pearl Harbor attack
17 units who testified here said that when they approached
18 the Hawaiian Islands for attack against the United States
19 they fully went into the fray resolved to meet the most
20 bitter situation because the enemy would be there await-
21 ing them. That was the impression of the Japanese Navy
22 as a whole.
23

24 ACTING PRESIDENT: I have a question by a
25 Member of the Tribunal.

1 Did you know about the attack on Kota Bahru,
2 Hong Kong, Shanghai, on the 7th of December, 1941?

3 THE WITNESS: Yes, I did.

4 ACTING PRESIDENT: Do you know that no noti-
5 fication at all was given to the United Kingdom before
6 these attacks?

7 THE WITNESS: Yes. But I should like to
8 give some explanations in connection with that, if I
9 may be permitted to do so.

10 ACTING PRESIDENT: Go ahead.

11 THE WITNESS: At some day in the month of
12 November -- I do not remember the date exactly -- the
13 Combined Fleet called together staff officers and held
14 consultations at Iwakuni. At that time, due to some
15 accident pertaining to the unit in the south, which
16 later took place at Kota Bahru, no staff officer came
17 from that unit to this conference -- which later carried
18 out attack on Kota Bahru, or operations on Kota Bahru.
19 And for that reason, the unit undertaking the Singapore
20 operations went to the spot and, as it now appears,
21 attacked shortly before the time of the delivery of
22 the note to the United States Government; namely, at
23 one p.m., Washington time. And so, from that, the
24 result was that the unit attacked shortly prior to the
25 delivery, the time of delivery of the notification;

1 and this is a matter concerning which I feel only the
2 profoundest regret.

3 But, however, with respect to Shanghai, it is
4 my belief that the attack began, or operations began,
5 with ample time provided for; and it is my understanding
6 that the same was true with Hong Kong.

7 BY CAPTAIN ROBINSON (Continued):

8 Q Now, as a matter of fact, Admiral, do you
9 not know that there was no note delivered in Washington
10 at one o'clock?

11 A I know that very well now, today.

12 Q And, further, that the note that was delivered
13 later that day was merely a statement that there was
14 no use to carry on negotiations further?

15 A With regard to the notification delivered
16 to the United States Government, it is my understanding
17 that the Japanese intentions were fully expressed there-
18 in.

19 Q Well, that may be true and still the note
20 may not have complied with the Hague Convention III of
21 1907; is that correct?

22 A Well, with regard to such points I cannot say
23 because I am a layman. But at that time it was my under-
24 standing that the true intent of the Japanese Government
25 was fully expressed in the notification that was

delivered.

1 Q Did you never read that Hague Convention III
2 requiring notification before the commencement of
3 hostilities?
4

5 A I have.
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1 Q Well, do you not know, then, that that
2 convention requires that before one government shall
3 commence hostilities against another it shall give a
4 previous, explicit warning of such hostilities in the
5 form of either a declaration of war or an ultimatum
6 stating conditions and reasons?

7 A Well, I am a layman on this subject, and I
8 have no ability or capacity to argue on such a matter,
9 but I might say this: that already before that date
10 we had already received from the United States the
11 so-called Hull note, which was taken in Japan in
12 effect as an ultimatum, a document which was tantamount
13 to an ultimatum.

14 THE MONITOR: After "Hull note" insert
15 "of 26 November."

16 A (Continuing) By that note Japan, against
17 her wish and given no choice, was driven into war for
18 self-defense.

19 CAPTAIN ROBINSON: Just a minute, Admiral.
20 We will deal with that matter fully a little bit
21 later.

22 The answer is not responsive, if the Court
23 please, to my question, and I would like to take this
24 matter up in order.
25

ACTING PRESIDENT: Mr. Brannon.

1 MR. BRANNON: If the Tribunal please, until
2 the witness completes his full answer I don't think
3 we can pass upon that point. If they are arguing
4 law I think the Admiral should be entitled to fully
5 give his reasons and his thinking on the matter. It
6 is a tremendously broad subject, and I think that the
7 accused in his only chance to take the stand should
8 be given every opportunity to explain his viewpoint.

9 CAPTAIN ROBINSON: May I assure defense
10 counsel that that opportunity will be given in due
11 course. I am asking about this Hague Convention III,
12 however, at this time, and I would like to pursue it
13 until we have completed it.

14 ACTING PRESIDENT: So far as completing his
15 answer is concerned, I do not think it is necessary
16 because it seems to us that the line of questioning
17 is argumentative and should be discontinued.

18 CAPTAIN ROBINSON: Very well, if the Court
19 please, but on the matter of the personal attitude
20 of the Admiral I should like to ask one or two ques-
21 tions further about his own attitude as a member of
22 the Japanese Navy following up his reference to the
23 attitude of Japanese naval personnel toward obedience
24 to international law.
25

MR. BRANNON: If the prosecution is to

1 continue along that line we feel that the witness
2 should be allowed to continue his last answer, which
3 had to do with the Hull note and the Japanese con-
4 struction of the meaning of it.

5 CAPTAIN ROBINSON: Well, if the Court please,
6 of course the prosecution will comply with the Court's
7 directions on that point as already stated.

8 ACTING PRESIDENT: We cannot rule on the
9 objection until we get the question.

10 BY CAPTAIN ROBINSON (Continued):

11 Q You were in the Japanese Navy in 1914 at
12 the attack of Tsingtao?

13 MR. BRANNON: Objected to as outside of the
14 scope of the Indictment or any issues in the case.
15 It is purely immaterial and irrelevant.

16 CAPTAIN ROBINSON: The witness has stated,
17 if the Court please, that the Japanese Navy, members
18 of the Japanese Navy, since the Russo-Japanese War
19 have always been interested in upholding international
20 law. This question is simply designed to develop
21 the fact that at Tsingtao at the beginning of the
22 German-Japanese War in 1914 Japan did comply with the
23 Hague Treaty III requiring notification, and that this
24 defendant as a member of the Japanese Navy at that
25 time and a participant in that attack must have known

1 what the law was and that the Japanese Navy then
2 did comply with it by a legal ultimatum preceding
3 a declaration of war; and that, therefore, if the
4 Court please, his statement now that he is not
5 familiar with that point as a layman on such matters
6 is not fully to be accepted.

7 ACTING PRESIDENT: You may ask him if he was
8 there and what happened.

9 CAPTAIN ROBINSON: I believe that that is
10 the question. May the reporter read it?

11 (Whereupon, the last question was
12 read by the official court reporter.)

13 Q Will you answer the question, please?

14 A At that time I was in Tokyo, a student in
15 the Naval Staff College.

16 Q A Tokyo newspaper, therefore, is incorrect
17 in the statement that you were in Tsingtao; is that
18 correct?

19 A Well, I have never seen such a newspaper
20 report.

21 Q I could show it to you.

22 Do you know from being in the navy at that
23 time what the date of the attack at Tsingtao was by
24 the Japanese Navy on the German force there?

25 We will withdraw that question, if the

Court please.

1 Returning to the morning of 8 December 1941,
2 what did you do on that morning?

3 A At about what time?

4 Q At about 7:30 a. m.

5 A I may have been in the Imperial Palace,
6 but I have no exact recollection.

7 Q Do you remember attending a meeting of
8 the Inquiry Committee of the Privy Council at that
9 time?

10 A It may have been about that time.

11 Q What did you say at that meeting of the
12 Inquiry Committee?

13 A I have forgotten the exact words I used,
14 but I reported on the operational situation in the
15 Hawaiian area in accordance with telegraphic
16 advice.

17 Q And then you attended a meeting of the
18 Privy Council immediately after that?

19 A Yes.

20 Q What did you do at that meeting?

21 A Approval of the Imperial Rescript declaring
22 war.
23

24 CAPTAIN ROBINSON: In this connection the
25 prosecution refers the Court to exhibit 1241, record
page 10,690.

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1 Q At page 7 of your affidavit you state that
2 the vital issues were not of your creation, but you
3 proceed to add that the greatest difficulty concerned
4 in the negotiations between the United States and
5 Japan preceding December 7 or December 8, Tokyo time,
6 had to do with the withdrawal of troops from China and
7 Indo-China.

8 Is it not a fact that no one in the Japanese
9 Navy had done more than you to create and to aggravate
10 this vital issue of Japanese aggression in China?

11 A I do not think so.

12 Q During the first Shanghai Incident you were
13 Chief of Staff of the Third Fleet, were you not?

14 A The Third Fleet, yes.

15 Q From 1935 to 1937 you were Vice-Chief of the
16 Naval General Staff, is that not correct?

17 A Yes.

18 Q And did you not, in that capacity in the Naval
19 General Staff, assist in the execution by the Arawashi
20 Unit, Naval Air Force, of the first trans-oceanic
21 bombing against China?
22

23 MR. BRANNON: If the prosecution's questions
24 are directed against the accused in the respect of
25 initiating war against China, I would like to call
the Court's attention that he is not included in

1 Counts 18 and 19 of the Indictment pertaining to
2 that subject matter. I therefore object to the
3 question on that ground.

4 ACTING PRESIDENT: Count 28 of the Indictment
5 states that all the accused "between the 7th July,
6 1937 and the 2nd September, 1945, waged a war of
7 aggression and a war in violation of international law,
8 treaties, agreements and assurances, against the
9 Republic of China." That includes the accused.

10 Objection disallowed.

11 MR. BRANNON: I don't want to be guilty of
12 misrepresenting to the Tribunal. As I understand it
13 now from one of my colleagues, Count 19 is a specific
14 count. The other is all-inclusive.

15 ACTING PRESIDENT: I think you had better have
16 the question repeated both in English and Japanese.

17 (Whereupon, the last question was
18 read in English and Japanese; the English being
19 read as follows: "And did you not, in that capac-
20 ity in the Naval General Staff, assist in the
21 execution by the Arawashi Unit, Naval Air Force,
22 of the first trans-oceanic bombing against China?")

23 A Yes.
24
25

1 Q Where did this unit take off and what
2 objective was bombed by it?

3 A The units took off from Taiwan and Saishu
4 Islands, in my present recollection. The objective
5 of the bombing was to bring about a termination of
6 the incident as speedily and as quickly as possible.
7 In pursuance of this objective, proper targets were
8 selected.

9 Q I am asking about the targets, Admiral.

10 A Troops and military installations.

11 Q Where?

12 A As I have said before, proper targets were
13 selected with the view to bringing about the early
14 termination of the incident. At this date I do
15 not remember any specific targets -- places.

16 THE INTERPRETER: Correction; not "targets"
17 but "places."

18 Q Do you remember what part of China was
19 attacked at this time?

20 A My recollection is that proper points in
21 Shanghai and Nanking areas.

22 Q And, was the account correct as contained
23 in the Asahi Shimbun for May 4, 1940, that this was
24 the first time in history that a trans-oceanic
25 bombing had been carried out?

1 A Well, aircraft used at that time were of
2 very poor quality, and it was -- in my recollection,
3 it was a very difficult task even to cross a narrow
4 stretch of water.

5 I have no exact recollection whether that
6 was the first bombing or not.

7 Q Did you not also, while Vice-Chief of the
8 Naval General Staff, in July, 1937, transmit to
9 Admiral HASEGAWA orders to carry out the bombing of
10 Nanking by the use of Naval planes?

11 A Directions were supposed to have been
12 given with regard to bombing military targets and
13 the air force in and around Nanking.

14 Q Why did you say "supposed to have been
15 given"? You briefed Admiral HASEGAWA here in Tokyo,
16 did you not, at the Naval General Staff?

17 A I said "supposed to have been" because my
18 recollection is very vague at the present.

19 Q And, was this bombing not the first time
20 in history that the capital of any country had been
21 subjected to bombing from the air?

22 A That may be, but I do not know.

23 Q And, was it not a HASEGAWA unit which, on
24 December 17, 1937, bombed and sank the United States
25 ship Panay?

1 A Well, I have no exact recollection, because
2 at that time I was no longer Vice-Chief of the Naval
3 General Staff.

4 Q But, HASEGAWA was still carrying out your
5 instructions, was he not?

6 A I do not know anything about that.

7 ACTING PRESIDENT: We will recess for
8 fifteen minutes.

9 (Whereupon, at 1045, a recess was
10 taken until 1100, after which the proceed-
11 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Captain Robinson.

4 BY CAPTAIN ROBINSON (Continued):

5 Q Now, with regard to blockades of the China
6 coast, you were appointed Commander of the China
7 Area Fleet on 1 May 1940?

8 A Yes.

9 Q When did you proclaim the blockade of the
10 China coast?

11 A Well, I don't remember the date exactly, but
12 the previous proclamation continued to be in effect,
13 and when I considered it necessary, repeated it, I
14 believe.

15 Q It was about May 7, 1940, was it not, Admiral?

16 A I think so.

17 Q And then in August 1940 you strengthened the
18 blockade by adding a number of other places?

19 A Yes.

20 Q Your purpose in this blockade was to prevent
21 all neutral shipping from bringing supplies to Chungking?

22 A The primary purpose was to prevent military
23 supplies from going to Chungking.

24 Q But the blockade covered all shipping, did it
25 not?

A Yes.

1 Q You notified the diplomatic corps and other
2 organs of third powers of this blockade, did you not?

3 A Yes.

4 Q In enforcing this blockade of the China coast
5 was it your purpose to starve the Chinese people into
6 submission to Japan?

7 A That never entered my mind.

8 Q Well, this blockade did cut off not only
9 imports of scrap iron, steel, and oil but also food
10 supplies, did it not?

11 A It was only natural, because troops eat food.

12 Q Yes, and in fact, for the Chinese, then, this
13 was an actual case of economic strangulation, wasn't
14 it?
15

16 A The circumstances were such that it could not
17 be effected with such intensity as that. Correction:
18 The circumstances were such that it could not be done
19 to that extent.

20 Q While you were Commander of the China Area
21 Fleet did you order the bombing of Chinese cities?

22 A Not the bombing of cities; the bombing of
23 military installations and armed forces.

24 Q Is it not a fact that on October 10, 1940, a
25 naval air unit made the forty-second bombing attack

on the City of Chungking?

1 A Did you say 1941?

2 Q No, I said 1940.

3 A That wasn't the city or the town itself of
4 Chungking but military installations -- centers of
5 military --

6 THE MONITOR: Important military activities.

7 Q Do you tell this Tribunal that no one in the
8 City of Chungking was struck by the bombing or affected
9 by it from fire or otherwise?

10 MR. BRANNON: That is objected to as argumenta-
11 tive and immaterial.

12 ACTING PRESIDENT: Objection sustained.

13 BY CAPTAIN ROBINSON:

14 Q Is it not a fact that on the Double Ten Festi-
15 val of October 10, 1940, you visited a naval air base
16 and encouraged the fliers who had been bombing Chung-
17 king?

18 A That was a natural duty as a commander of a
19 fleet.

20 Q And the answer is that you did it?

21 A Yes.

22 Q Had Japan declared war on China prior to this
23 time?

24 A No, it was the China Incident and so there
25

was no declaration of war. Correction: It was the

1 China Incident and so there could not have been a
2 declaration of war.

3 ACTING PRESIDENT: There is plenty of evi-
4 dence before the Tribunal that Japan never declared
5 war on China.

6 CAPTAIN ROBINSON: Yes, your Honor.

7 Q After completing your term of service as
8 Chief of the China Area Fleet you returned to Tokyo
9 on 15 September 1941, did you not?

10 A Yes.

11 Q And it was on that day that you, Admiral OIKAWA,
12 and Admiral NAGANO were granted an audience with the
13 Emperor, as already shown in evidence?

14 MR. BRANNON: Objected to as repetitious.

15 CAPTAIN ROBINSON: That is merely preparatory
16 to the next question, which is as to an interview
17 following this reception, that is all.

18 ACTING PRESIDENT: We will wait until the
19 next question. Objection overruled.

20 BY CAPTAIN ROBINSON:

21 Q Subsequent to the interview with the Emperor
22 and on the same day you issued a statement in which
23 you said that, as Chief of the China Area Fleet, you
24 had intensified the blockade and air operations
25

1 against the Chungking regime, is that not true?

2 A You say a statement? Issue a statement?

3 Q An interview with the press.

4 A No, I have no clear recollection of that.

5 Q In order to refresh your recollection: Did
6 you not at that time say that although the China Inci-
7 dent has been making steady progress -- and I quote --
8 "the confrontation between the Chiang supporting powers
9 and our nation has come to assume serious proportions
10 suggestive of an aggravated tension in the international
11 situation"?

12 Do you recall that statement?

13 A I do not remember.

14 CAPTAIN ROBINSON: May the witness be shown
15 IPS document 3300? This is an excerpt from the Osaka
16 Mainichi for 16 September 1941.

17 (Whereupon, a document was handed
18 to the witness.)

19 Q Will you examine that document and state
20 whether you made the statement which is set forth in
21 quotes after your name?

22 (Whereupon, the witness examined
23 the document.)

24 Is that correct?

25 A I have absolutely no recollection.

1 CAPTAIN ROBINSON: The prosecution requests
2 that this document be marked for identification, if
3 the Court please.

4 ACTING PRESIDENT: It may so be marked.

5 CLERK OF THE COURT: Prosecution document
6 3300 will receive exhibit No. 3569 for identifica-
7 tion only.

8 (Whereupon, the document above
9 referred to was marked prosecution exhibit
10 3569 for identification.)

11 Q Do you recall using the term "Chiang support-
12 ing powers" in suggesting an aggravated tension if they
13 did not quit assisting Chiang?

14 A No, I don't recall.

15 Q Did you ever use that term?

16 A No, I have no recollection.

17 Q Do you recall in an interview using the term
18 "Holy War"?
19

20 A No, I do not.

21 Q On 16 November 1941 you, as Navy Minister,
22 made a speech at the beginning of the 77th Imperial
23 Diet on the war situation, is that not correct?

24 A I don't recall the date exactly, but on or
25 about that time I believe I made a report on the war
situation.

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1 Q And in this speech you stated that the Japan-
2 ese navy was blockading 2800 miles of the China coast,
3 is that correct?

4 A The contents of my report are completely out
5 of my recollection now.

6 CAPTAIN ROBINSON: May the witness be shown
7 IPS document 3291-A?

8 (Whereupon, a document was handed
9 to the witness.)

10 Q This is an excerpt from the Asahi Shimbun
11 dated 17 November 1941. Are the facts set forth in
12 this document substantially true as a report of the
13 speech you made on that occasion?

14 A This being a press report, I cannot say
15 whether it is true or not.

16 Q Do you observe anything in it which is not
17 accurate?

18 A Being something which took place many years
19 ago, I have no recollection as to the contents and I
20 cannot say whether the contents here are true or not.

21 Q Well, is this inaccurate? Would this be a
22 false report of what you may have said at that time?

23 MR. BRANNON: Objected to as argumentative
24 and as having already been answered.

25 ACTING PRESIDENT: I think the prosecutor is

about to put a specific question.

1 CAPTAIN ROBINSON: In view of the witnesses
2 answer, if the Court please, that he did make a speech
3 on that occasion and he seems to be having some diffi-
4 culty recollecting the words used by him, I think
5 this is a case in which it would be possible to do
6 that.

7 ACTING PRESIDENT: You may ask him if he
8 made such and such a statement on that occasion.

9 Q Did you state on that occasion in a speech
10 before the Diet that the situation in the Chungking area
11 in particular has included some forty attacks day and
12 night, bombing carried on during that period in the
13 Chungking area?

14 A Well, I don't recall that I said that, but
15 there could be no occasion for me to say night and day
16 or day and night.

17 Q Well, did you tell the Diet that early in
18 March surprise attacks upon several strategic points
19 on the coast of the Kwantung Province had been made
20 in cooperation with the army?

21 A I do not remember.

22 Q As a matter of fact, had those events not
23 actually occurred?

24 A Well, I have a very faint recollection that
25

1 weapons which were -- Strike that. I have a very faint
2 recollection that attempts to bring in weapons through
3 the coast of Kwantung Province were suppressed.

4 THE MONITOR: Japanese court reporter.

5 (Whereupon, the Japanese court
6 reporter read.)

7 THE INTERPRETER: Correction on the wit-
8 ness's last reply:

9 I have a very faint recollection that a
10 sudden foray was carried out to seize weapons which
11 were being brought in on the coast of Kwantung Province.

12 Q In fact, didn't you tell the Diet that surprise
13 landing operations were made at no less than twenty-
14 six large and small places, those helping to complete
15 the coast blockade?

16 A I do not remember.

17 Q Didn't you also tell the Diet that "our
18 Imperial Navy units have advanced into South French
19 Indo-China in the latter part of July"?

20 A I do not remember.

21 Q How many aircraft carriers were used in these
22 operations, especially in these surprise landings which
23 you speak of?

24 A In my recollection there were no aircraft
25 carriers.

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1 Q In these operations, however, in your fleet
2 as in the fleet commanded by Admiral HASAGAWA,
3 Japanese aircraft carriers had been used extensively
4 in the bombing operations against China, had they not?

5 MR. BRANNON: If the Tribunal please, I may
6 not be following the prosecution's line of questioning,
7 but I object to it on the ground that it attempts to
8 prove something that is not in issue, that is not dis-
9 puted, that the Japanese Navy carried out operational
10 maneuvers against China. Heretofore, in the general
11 phases, if my memory serves me correctly, prosecution
12 has introduced evidence of these operations. The
13 accused by his own affidavit has stated the position
14 he held with the fleet and we are not contending at
15 this time that he is not responsible in chain of
16 command for the actions of the Navy at that time. The
17 contention of the defense was that there was no
18 policy-making liability on behalf of the accused at
19 this time, and we have never and we do not intend to
20 offer any evidence concerning his command responsi-
21 bility as a seafaring Navy man.

22 ACTING PRESIDENT: In view of the statement
23 just made by defense counsel, what is the necessity of
24 pursuing this matter any further?
25

CAPTAIN ROBINSON: The object of the question,

1 if the Court please, is to show that the use of
2 carriers in the China area was with a view to their
3 preparation for surprise attacks later, including
4 the ones which are being testified about in this
5 case.

6 ACTING PRESIDENT: Answer that question then.
7 That might be a proper question.

8 The objection of defense counsel is sustained.

9 Q Passing on from consideration regarding your
10 activities in connection with China, on page 6 of
11 your affidavit you speak of the essential disagreement
12 leading to the fall of the KONOYE Cabinet. Is it not
13 true that the essential disagreement leading to the
14 fall of the KONOYE Cabinet was between those who
15 wished to continue negotiations while preparing for
16 war with the United States and, on the other hand,
17 those who wished to drop negotiations and proceed to
18 war immediately?

19 A With regard to that point, I do not know
20 anything of the matter in detail, but I think that the
21 testimony the other day by Admiral OIKAWA has suffi-
22 ciently explained that matter.

23 Q Now, in regard to these events leading toward
24 war, I wish to ask whether you recall a talk by you as
25 Navy Minister published in the Mainichi of 7 July 1942

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1 on the eve of celebrating the fifth anniversary of
2 the China Incident? In that talk did you not say
3 this, or this in substance, that the Great East Asia
4 War arose as a natural consequence to round off the
5 China Incident?

6 A I do not remember.

7 Q Do you remember saying further, "What makes
8 us feel more reassured than ever is the way our
9 friends, the Germans and Italians, are enlarging their
10 wonderful war results in Europe"?

11 A I have no recollection, but I think that
12 there could not have been any occasion that I could
13 have said such a thing.

14 CAPTAIN ROBINSON: May the witness be shown
15 IPS document 3327, a clipping from the Tokyo Mainichi
16 for 7 July 1942.

17 (Whereupon, a document was handed to
18 the witness.)

19 Q Will you examine that paper and state whether
20 or not that newspaper article does quote a speech which
21 you made at that time in celebration of the fifth
22 anniversary of the China Incident?

23 A In the headline on this news item it states,
24 a "gist" of an interview talk by me. It is extremely
25 doubtful whether a news item such as this has accurately

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reported anything I said. As a matter of fact I have
no recollection of this.

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1 Q Do you see anything in the statement which is
2 inaccurate?

3 A I cannot tell whether it is accurate or in-
4 accurate.

5 Q Do you recall having said that war to annihil-
6 ate America and Britain by closely united Japan,
7 Germany and Italy is progressing strongly toward a
8 final victorious phase?

9 A I have no recollection.

10 Q In this gist, will you examine it and see
11 whether or not you find in that paper a statement of
12 the Three Demands which you favored and which made
13 impossible the success of diplomatic negotiations
14 with the United States, namely, first, the conquest
15 of China, second, the domination of Greater East Asia
16 as the special calling of Japan, and third, the Axis
17 alliance.
18

19 A There could not have been any occasion for me
20 to say any such thing because such an idea has never
21 entered my mind.

22 CAPTAIN ROBINSON: Prosecution presents for
23 identification only document No. 3327.

24 CLERK OF THE COURT: Prosecution document
25 3327 will receive exhibit No. 3570 for identification
only.

(Whereupon, the document above referred to was marked prosecution exhibit No. 3570 for identification.)

Q Now, turning to page 10 of your affidavit, Admiral, you mention a Navy shortage of oil as one reason which the High Command charged would prevent concessions to the United States.

MR. BRANNON: That is objected to as a misquotation of the direct testimony.

ACTING PRESIDENT: May I ask the reporter to read the question, please?

(Whereupon, the last question was read by the official court reporter.)

CAPTAIN ROBINSON: I think, if the Court please, that is a fair summary of the paragraph c at the middle of page 10. I refer particularly to the last sentence in that paragraph.

ACTING PRESIDENT: Objection overruled.

Q Now, you say that the Navy had approximately a two year supply of oil on hand. How many tons did the Navy have on hand?

A I have no positive recollection at this date.

Q Now, that was your business as Navy Minister, to deal with materiel and personnel, was it not, particularly now, in this case, with material for

operation?

1 A Yes.

2 Q Is it not true that one reason urged for
3 making war on the United States was economic strangu-
4 lation with regard to oil?

5 A That was not a fact.

6 Q Where had you obtained most of that two
7 year supply of oil that the Navy had stored up?

8 A The United States and the Netherlands.

9 Q In what proportions?

10 A I do not remember because this matter goes
11 back several years.

12 Q Well, you were Navy Minister. Your duty
13 was to provide supplies. Do you not recall whether
14 or not it was half and half or ninety per cent or
15 what the proportions were?

16 A I do not know.

17 Q Now, when you voted for war, did you do it
18 on the ground of economic strangulation by the United
19 States and Great Britain as a matter of self defense
20 for Japan?

21 A In making a decision for war an opponent is
22 required; and only upon the conduct and attitude of
23 the opposite party, that is, the opponent or enemy --
24 strike out "enemy" -- can a decision for war be made.
25

1 No decision for war can be made on the basis of such
2 matters as just mentioned by you.

3 Q Well, I am quoting, I think, Admiral, fairly
4 and accurately the effect of your affidavit; and do
5 you not use the words "economic strangulation" as
6 one ground for justifying your voting to go to war
7 with the United States?

8 A That was one of various causes which led to
9 the war.

10 Q Yes.

11 A A decision on war was based upon the final
12 attitude which the United States took at a critical
13 moment as a result of the economic blockade. But
14 the element which you just mentioned was not the sole
15 reason for any decision for war.

16 Q Well, was it part of the economic strangu-
17 lation that you speak of that the United States was
18 refusing to provide millions of tons of oil to the
19 Japanese Navy?

20 A You mean a part of the economic strangu-
21 lation?

22 Q Yes.

23 A Yes.

24 Q And when you voted for war, did you consider
25 it in part just grounds for an attack on the United

1 States as self defense, that the United States failed
2 to supply Japan with enough oil to feed the planes
3 and ships which would be used and were used later to
4 destroy American lives at Pearl Harbor?

5 A Well, the question just asked me sounds to
6 me very roundabout, and I may not be able to hit the
7 point accurately in my answer. As I have said be-
8 fore, the question of oil which you just mentioned
9 was not a direct deciding factor in the war decision.
10 It was one of the indirect reasons or causes.

11 ACTING PRESIDENT: We will adjourn until
12 one-thirty.

13 (Whereupon, at 1200, a recess was
14 taken.)

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AFTERNOON SESSION

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: Captain Robinson.

CAPTAIN ROBINSON: Mr. President and Members
of the Tribunal.

SHIGETARO SHIMADA, an accused, resumed
the stand and testified through Japanese inter-
preters as follows:

CROSS-EXAMINATION

BY CAPTAIN ROBINSON (Continued):

Q In your testimony before the noon recess,
Admiral, on the subject of oil for the Japanese Navy,
I understood you to say that the refusal of the United
States to supply Japan with oil was one of the factors
which caused you to vote for war. Is that not a fair
and accurate statement of your testimony?

A The situation was as I have already testified
this morning. The statement suggested in your question
does not appear to be accurate to me -- does not seem
accurate.

Q Will you make an accurate statement?

1 The question of oil was a very vital problem
2 to Japan. The question of oil was especially one of
3 great importance to the armed forces for, if there were
4 no supply of oil, battleships and any other warships
5 would be nothing more than scare crows and such weapons
6 of war as tanks and airplanes of the army too, such
7 mechanized units of the army would be useless without
8 oil. The heavy industries also depended to a very great
9 extent on oil and if supplies of oil were stopped vis-a-
10 vis these industries then these industries would not be
11 able to function as expected or desired. Hence, from
12 the standpoint of national defense alone it would not be
13 an exaggeration to say that national defense is based
14 upon an adequate supply of oil. But your question that
15 war came about because oil was stopped, that is an
16 entirely different question.

17 Q Well, that wasn't my question, was it, Admiral?
18 Will the reporter please read the question?

19 (Whereupon, the Japanese court reporter
20 read.)

21 Q (Continuing) The question, you see, was whether
22 or not the embargo on oil wasn't one of the factors
23 which caused you to vote for war. Now, what is the
24 answer, yes or no? Is it not possible to answer it in
25 that way?

1 A It was one of the factors but it was not the
2 fundamental factor.

3 Q Now, you are familiar with the Japanese pro-
4 posal of November 20 handed by Ambassador NOMURA to
5 the Secretary of State on that date, introduced in this
6 trial as exhibit 1245-H at record page 10,811. You are
7 acquainted with that proposal, are you, Admiral?

8 A Yes, generally.

9 Q Now, directing your attention to proposal No. 4
10 in that list of proposals and to the second sentence
11 which reads, "The Government of the United States shall
12 supply Japan a required quantity of oil," you remember
13 that proposal, do you?

14 A Yes, I do.

15 Q Who made the decision to include this require-
16 ment in the five other paragraphs of requirements in
17 this note of November 20?

18 A The Navy had a big voice in the matter. The
19 Navy was one of those having a voice in the matter.

20 Q Just what did you do in that connection?

21 A Of course, I emphasized the necessity.

22 Q Where and when?

23 A Well, actually the various arrangements were
24 made by officials in charge and I expressed my views and
25 opinions on the matter to the officer or officers in

1 charge.

2 Q And what were those opinions and views with
3 respect to how much oil Japan would require and with
4 respect to whether or not the Japanese representative
5 should be required to insist upon this proposal?

6 A I, at that time, did not consider profoundly
7 the question of quantity of oil. The fact in connection
8 with which I was most concerned at that time was whether
9 the United States while understanding the purport of the
10 Japanese demand would approach Japan in bringing about
11 a settlement. For instance, I was not concerned whether
12 the United States offered to supply one million tons or
13 500 thousand tons in response to Japan's demands for
14 two million thousand tons.

15 Q Two million thousand tons? Is that what you
16 said, Admiral? Two million thousand tons?

17 THE INTERPRETER: Mr. Prosecutor.

18 CAPTAIN ROBINSON: Yes?

19 THE INTERPRETER: I shall repeat. The witness
20 said: "For instance, I was not at all concerned --"

21 CAPTAIN ROBINSON: Just the last amount, if you
22 please. The amount stated there. I didn't get the
23 figure.
24

25 THE INTERPRETER: Two million.

THE MONITOR: Two million tons.

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CAPTAIN ROBINSON: Of oil.

1 Q That amount, two million tons, is that the
2 amount you mentioned in requesting that that sentence
3 be included in this proposal of November 20?

4 A Well, I do not have the accurate figures
5 on hand at the present moment, but I have a vague
6 recollection that the quantity was 4 million tons per
7 annum.
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1 Q Meaning that Japan having -- the Japanese
2 Navy having two years' supply had 8 million tons in
3 storage at that time?

4 A That is not my meaning at all. I answered
5 your question with regard to the quantity of oil de-
6 manded by Japan in her memorandum of 20 November, and
7 it is in response to that question that I said that
8 my vague recollection is that the amount desired was
9 approximately 4 million tons a year. And the quantity
10 demanded or desired was not for the Navy alone but
11 included civilian needs, Army needs and Navy needs.

12 Q Referring to your mention of the two years'
13 supply for the Navy I am still trying to find out,
14 Admiral, how many tons the Navy had in storage which
15 you refer to as a two year supply?

16 A I think I have already responded to your
17 question.

18 Q You have not given me any figures in answer
19 to that question, Admiral. I would like to have some
20 figures.

21 A As I have said before, I do not have any
22 recollections as to the exact figure of the quantity
23 of oil in storage. Generally it may have been around
24 5 or 6 million tons or, perhaps, even only 4 million
25 tons.

1 Q Now, in regard to your instructions and your
2 attitude toward the settlement in Washington, do you
3 agree that that one requirement with regard to oil
4 was one which the United States had to meet if Japan
5 was not going to attack?

6 A It was not a question of oil alone.

7 Q Will you please answer my question? The ques-
8 tion was whether the oil requirement was one which
9 would have to be met.

10 A Well, I can't -- I don't believe I can state
11 so flatly as that.

12 Q If Admiral NOMURA and KURUSU had come back
13 without that provision being met, would the decision
14 have been acceptable to you?

15 A What time are you referring to?

16 Q Any time before December 8, 1941.

17 A Well, the matter of oil may be regarded as
18 one of the basic conditions which forced us to decide
19 upon war, but it was not a deciding factor.

20 Q Nevertheless, you saw that the provision had
21 in it the word "shall": "The United States shall supply
22 Japan with oil," is that not true? That would be the
23 language of a demand, would it not, to the United
24 States negotiators?

25 A Well, according to you, Mr. Prosecutor, you

appear to state the situation as meaning that this
1 proposal became -- this proposal of the 20th of November
2 became the basic cause of the war, but that is not so.

3 Q Of course no such position was presented.
4 You will take care of the answering of the questions,
5 Mr. Witness. I would like to ask you one more. As
6 a matter of self-defense, was it not the United States
7 upon which the burden lay to exercise its right of
8 self-defense by refusing to send additional oil to
9 Japan while Japan was expanding its military operations
10 in Indo-China and elsewhere?

11 ACTING PRESIDENT: Mr. Brannon.

12 MR. BRANNON: We object to that as --

13 ACTING PRESIDENT: Objection sustained.
14

15 Q At page 13 of your affidavit, Mr. Witness,
16 you state that you were confronted with the question
17 whether or not Japan could bow to the American demands.
18 Where did the United States make any demands upon
19 Japan?

20 A The United States made its demands in the
21 Hull note of the 26th of November, 1941.

22 Q What demands are you talking about?

23 A The Hull note in toto.

24 Q That is a mere generality. What specifically?

25 A One of those demands was that Japan shall

1 withdraw entirely from the continent. Furthermore,
2 the Hull note made a lot of statements all on the
3 premise that everything Japan had done so far was wrong.

4 Q Where is any demand about that?

5 A If Japan submitted to the demands as presented
6 by the United States she was obliged to retract, to
7 cancel everything that she had been doing up to that
8 date.

9 Q Well, now, let us be specific about that.
10 Do you take the position that after the United States
11 refused to have commercial dealings unless Japan
12 ceased aggressive tactics, that that constituted a
13 demand on Japan to do anything?

14 ACTING PRESIDENT: Mr. Brannon.

15 MR. BRANNON: If it please the Tribunal, the
16 defense has no objection to the prosecution drawing
17 from the witness his impression or interpretation of
18 the Hull note, but they do object to this question as
19 asked because it is purely argumentative.

20 ACTING PRESIDENT: It is argumentative.

21 Objection sustained.
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1 CAPTAIN ROBINSON: If the Court please, the
2 effort is being made here to find out from this witness
3 specifically what he is talking about when he speaks
4 of "demands." And it is difficult to find any specific
5 statement by the witness. Therefore, the effort is
6 being made to analyze the witness' affidavit here with
7 a view to discovering specifically what he is talking
8 about when he says "demands."

9 Q As a matter of fact, Mr. Witness, is it not
10 a fact that the only unilateral commitment suggested by
11 the note was an undertaking by Japan that she would
12 withdraw her armed forces from China and from Indo-
13 China, and that every other proposal made in the note
14 was a reciprocal proposal, the United States and Japan
15 cooperating and mutually granting certain action and
16 conditions?

17 MR. BRANNON: We renew our objection on the
18 same grounds.

19 ACTING PRESIDENT: The document speaks for
20 itself. Objection sustained.

21 Q Is it not a fact that Secretary Hull accom-
22 panied the note by oral proposals for financial coopera-
23 tion between Japan and the United States? Will you
24 answer, please?

25 A Did you say an oral proposal?

Q Right.

1 A At the present I do not have any recollection
2 as to what he said orally.

3 Q On the contrary to your statements in your
4 affidavit about demands, is it not a fact that in the
5 note of November 26, Japan was really invited by the
6 United States to a peaceful conference with the United
7 States, Great Britain, the Netherlands and the U.S.S.R.,
8 to gather around the conference table and see whether
9 differences could not be accommodated and normal com-
10 mercial relations resumed?

11 MR. BRANNON: The documents thus far presented
12 speak for themselves. The witness' affirmation or
13 denial is immaterial, and we consequently object to
14 the question.
15

16 ACTING PRESIDENT: We will hear from you
17 briefly, Captain.

18 CAPTAIN ROBINSON: Before the Court rules
19 on that, your Honor, this note is discussed and opinions
20 are expressed upon it extensively in this witness'
21 affidavit. The witness speaks of demands made by the
22 United States in this note. We are trying to have the
23 witness point out in the note the demands he is talking
24 about. In other words, the interpretation is made
25 by the witness in his affidavit, in which he draws

1 conclusions about the note. Now we are trying to find
2 out from the witness what he bases those conclusions on.

3 ACTING PRESIDENT: You can ask him questions
4 of that kind, but not in argumentative form like the
5 present question. The objection is sustained.

6 CAPTAIN ROBINSON: We can refer, as I take it,
7 to specific details of the note and ask the witness
8 whether he considers them to be demands made by the
9 United States upon Japan.

10 Q For example, Mr. Witness, take the four
11 principles, the fundamental principles that Secretary
12 Hull suggests as being contained in this note; namely,
13 the principle of national integrity for each nation,
14 national independence for each nation, international
15 equality and international cooperation among nations;
16 do you call these principles harsh demands by the United
17 States?

18 MR. BRANNON: We object again, on the ground
19 that it is argumentative. We have no objection to the
20 witness' interpretation of the note if that is what
21 the prosecution would like to ask.

22 ACTING PRESIDENT: You have already asked the
23 witness what his objections were and he has answered
24 your question. These questions that you are asking
25 now are argumentative and are questions for the Court

to decide. Objection sustained.

1 Q At page 9 of your affidavit, Mr. Witness,
2 you state that you never entertained a doubt that Japan
3 had the sole right to determine what accumulation of
4 events would entitle her to exercise the right of what
5 she might see fit to call self-defense.

6 MR. BRANNON: If the Tribunal please, if that
7 is a quotation or a resume of what is contained in the
8 affidavit, we object to it because it is not accurate.

9 CAPTAIN ROBINSON: At the bottom of page 9,
10 if the Court please, those are exactly the words of
11 the affidavit.

12 ACTING PRESIDENT: No question has been asked
13 yet.

14 CAPTAIN ROBINSON: The question is -- if I may
15 finish it?

16 ACTING PRESIDENT: Put your question.

17 Q Is it your claim that you, as a minister of
18 state, and that Japan, through representatives such
19 as yourself, had the right to make up your own decision,
20 without accountability or responsibility thereafter
21 to any other authority, national or international?
22 Was that your position?

23 A My position was, as I have already stated in
24 my affidavit, that it did not run contrary to any
25

1 international interpretation or any international
2 practice.

3 Q I do not see how that answers my question,
4 Mr. Witness, but we will pass on to the next and final
5 subject in this affidavit.

6 ACTING PRESIDENT: Your last question was
7 answered by the last sentence on page 9.

8 CAPTAIN ROBINSON: That was my reference, if
9 the Court please, and I was trying to check to see
10 whether or not this witness does take that position,
11 that he is accountable to no power, human or divine
12 for what they choose to do.
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1 Q At page 17 of your affidavit, Mr. Witness,
2 you speak of the German policy of submarine warfare.
3 When did you first hear of the German policy of
4 destroying survivors of torpedoed merchant vessels?

5 A I do not remember the actual and exact words
6 used, but I heard for the first time that such a thing
7 was being talked about in the world when I was placed
8 in custody at Sugamo prison.

9 Q You say, at page 17 of your affidavit, slightly
10 below the middle of the page, that submarine atrocities
11 are a matter of operational plans which would be within
12 the sole knowledge of the Naval General Staff.

13 ACTING PRESIDENT: He did not use the word
14 "atrocities" in the affidavit, nor does he say "knowledge."
15 He says "jurisdiction of the Naval General Staff."

16 CAPTAIN ROBINSON: If the Court please, the
17 copy I have here reads "within the sole knowledge of
18 the Naval General Staff"; not "jurisdiction," but
19 "knowledge." That is in the middle of page 17.

20 ACTING PRESIDENT: I see. I was mistaken.
21 "Knowledge" is used later on in the page. At the top
22 he uses the word "jurisdiction."

23 CAPTAIN ROBINSON: And further, if the Court
24 please, on this matter of using the word "atrocities,"
25 I take it we are working in the light of the record in

1 the trial in which it has been brought out that in this
2 Indictment there is no charge of conducting submarine
3 warfare as a matter of sinking merchant ships without
4 warning, but that the only charge in this Indictment is
5 that the Japanese conducted atrocity warfare in that they
6 destroyed survivors. I can give the Court citations in
7 the Indictment, if the Court please.

8 ACTING PRESIDENT: We don't want that. You were
9 paraphrasing what he said in his affidavit and I cannot
10 find anything in his affidavit that refers to atrocities.

11 CAPTAIN ROBINSON: Well, in view of the fact
12 that in this case the only matter of German submarine
13 warfare which is in issue under the allegations of the
14 Indictment -- as I understand the Court has ruled in
15 the exclusion of the Nimitz affidavit -- in effect would
16 be the atrocity submarine warfare, and therefore if I have
17 misinterpreted the affidavit it was in an effort to make
18 it appear to apply to some issue in the case, rather than
19 just an irrelevant and immaterial allegation of the
20 defendant on the stand.

21
22 ACTING PRESIDENT: I have a question from a
23 member of the Tribunal.

24 You state in your affidavit that it is a matter
25 of operational plans which would be within the sole knowledge
of the Naval General Staff. Does "within the sole knowledge"

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1 mean that the Navy Minister could not interfere, even if
2 he knew about operational plans which violated inter-
3 national law?

4 THE WITNESS: No. That is not my meaning. Strict
5 adherence to international law was something in which the
6 Imperial Navy put a great deal of strength and emphasis
7 and I have never known and I never believed that the
8 Naval General Staff would engage in any action which would
9 be in violation of international law.

10 ACTING PRESIDENT: That is not the question.
11 Answer the question, please.

12 THE WITNESS: If there was any case in which
13 international law was violated, the Minister of the Navy
14 would naturally issue the necessary warning.

15 ACTING PRESIDENT: And suppose the Chief of the
16 General Staff refused to follow your warning?

17 THE WITNESS: I have never thought of that,
18 and, furthermore, it is my firm belief that such a thing
19 could never happen. If there was no other choice, I
20 would see to it that there be a transfer or change in
21 the Chief of the Naval General Staff.

22 CAPTAIN ROBINSON: May I proceed?

23 ACTING PRESIDENT: Proceed.
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1 Q Now, as a matter of fact, Admiral, you were
2 Chief of the Naval General Staff yourself in addition
3 to being Navy Minister from February 1944 to July 1944,
4 were you not?

5 A Yes.

6 Q In fact, you assumed the position of Chief
7 of the Naval General Staff in February 1944, the same
8 month in which the defendant TOJO took over as Chief
9 of the Army Staff, did you not?

10 A Yes.

11 Q And, now, during that period when you were
12 both Chief of the Naval General Staff and Navy Minister,
13 did you, in either or both of your capacities, learn
14 of the wide-spread atrocities about which evidence has
15 been presented in this case as committed by Japanese
16 submarine personnel in the Indian Ocean and by other
17 Japanese personnel on numerous Pacific islands?

18 A No, I learned nothing. I knew nothing.

19 Q Would you please explain why it was that
20 immediately after you took that double command position
21 in February 1944, Japanese submarines launched their
22 special campaign to cut Allied supply lines in the
23 Indian Ocean and to massacre survivors of torpedoed
24 ships?

25 A I never knew that such things ever occurred,

1 and I cannot believe in them -- believe that they
2 ever occurred.

3 Q Why did you take over as Chief of the Naval
4 General Staff in February 1944?

5 A From the necessity created by the war
6 situation at that time.

7 Q Will you please be specific.

8 A Well, I thought that my reply was specific
9 enough. It was indeed highly essential that during
10 a war there be the closest cooperation between the
11 Naval General Staff and the Navy Ministry. As the
12 military situation becomes difficult, there are
13 discrepancies and gaps created between the two, and,
14 as a matter of fact, various problems did arise between
15 the two parties and I undertook to preside over both
16 posts in order to avoid at this very important time
17 or period any controversy or difference within the
18 Navy itself.

19 Q At that time the Army was conducting a campaign
20 in India, was it not?

21 A Probably so. I do not recall exactly at the
22 present moment.

23 Q And that fact and numerous other facts made
24 it extremely important that the Indian Ocean supply
25 line be cut early in 1944, is that not true? That is,

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1 of course, the Allied supply lines in the Indian
2 Ocean.

3 A Yes, I thought that that was a quite important
4 thing throughout the war. I did not think about that
5 especially on that occasion.

6 Q The Germans likewise were urging greater
7 Japanese submarine activity in the Indian Ocean early
8 in 1944, were they not?

9 A I do not remember any such thing.
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1 Q At any rate, as Chief of the Naval General
2 Staff and Navy Minister, did you not in February,
3 1944, give orders for an intensified submarine
4 campaign in the Indian Ocean, is that not correct?

5 A I do not recall.

6 Q Did you not direct that -- strike that.

7 At page 16 of your affidavit you state,
8 and I quote, "The evidence here before the Tribunal
9 has revealed that on some occasions, at least,
10 naval personnel have been guilty of reprehensible
11 conduct, inviting severe and justifiable denunciation."
12 Have you observed that much of this evidence on sub-
13 marine atrocities in the record in this trial has
14 centered about the dates between February, 1944,
15 and July or August, 1944?

16 A Yes, I heard them.

17 Q Now, the occasions to which you refer when
18 you say that "on some occasions, at least, naval
19 personnel have been guilty of reprehensible conduct,"
20 include what occasions?

21 A Well, there is no means by which I can
22 check or ascertain evidence produced by the prose-
23 cution. Believing that there were some grounds for
24 introducing such evidence, I merely here expressed
25 my feelings concerning them. For instance, if there

1 was any instance of survivors of merchant vessels
2 being machine gunned on the Indian Ocean, although
3 I cannot believe it, I am expressing my heart-felt
4 regret in the supposition that such an event might
5 have occurred.

6 Q I am not talking about your heart-felt
7 regrets, Admiral. I am asking about your statement
8 that you assumed responsibility.

9 Now, I am asking on what occasions you
10 assumed responsibility. You will specifically
11 state those which you feel were your responsibility.
12 If I may specify, did you assume responsibility --

13 ACTING PRESIDENT: Aren't we going into
14 too much detail, Captain?

15 CAPTAIN ROBINSON: I'm sorry. I think
16 this final point --

17 ACTING PRESIDENT: It seems to us that your
18 present line of questions is more or less argument-
19 ative.
20

21 CAPTAIN ROBINSON: If the Court please, I'd
22 like to be heard on that for a just a moment.

23 Evidence before the court on the Dutch
24 ship Tjisalak, the British ship Behar, and the
25 American liberty ship Nicollet --

ACTING PRESIDENT: We know all that. It

has been in evidence.

1 The witness says he doesn't know about
2 them, but if they happened, he assumes responsibility
3 for them.
4

5 CAPTAIN ROBINSON: If that is the witness'
6 statement and position, that is sufficient without
7 further interrogation.

8 That concludes the cross-examination, sir.

9 MR. BRANNON: The Tribunal's statement may
10 not be exactly correct. The responsibility assumed
11 by this witness is as set out in his affidavit.

12 ACTING PRESIDENT: I did not mean to go
13 beyond his affidavit.

14 CAPTAIN ROBINSON: In that event --

15 ACTING PRESIDENT: He says he lacked
16 responsibility to control the conduct of men on the
17 scene. Then, I quote, "I must nevertheless, because
18 of my supervisory position, assume responsibility."
19

20 CAPTAIN ROBINSON: There is one point, if
21 the Court please, in regard to German-Japanese
22 liaison in Indian Ocean submarine activities, I'd
23 like to ask this witness.

24 ACTING PRESIDENT: We will recess now for
25 fifteen minutes.

(Whereupon, at 1445, a recess was

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1 taken until 1500, after which the proceed-
2 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

2 ACTING PRESIDENT: This morning the prosecutor
3 asked this question: "In these operations, however,
4 in your fleet as in the fleet commanded by Admiral
5 HASAGAWA, the Japanese aircraft had been used extensive-
6 ly in the bombing operations against China, had they
7 not?"
8

9 Defense counsel objected on the grounds, gener-
10 ally, that it is not disputed that the Japanese Navy
11 carried out operational maneuvers against China. He
12 further stated: "We are not contending at this time
13 that he is not responsible in chain of command for the
14 actions of the navy at that time."

15 The Acting President then said: "In view of
16 the statement just made by defense counsel, what is the
17 necessity of pursuing this matter any further?"

18 "CAPTAIN ROBINSON: The object of the question,
19 if the Court please, is to show that the use of carriers
20 in the China area was with a view to their preparation
21 for surprise attacks later, including the ones which are
22 being testified about in this case.
23

24 "ACTING PRESIDENT: Answer that question, then.
25 That might be a proper question. The objection of de-
fense counsel is sustained."

1 I should have said "overruled," as long as I
2 already said the witness should answer the question.
3 The prosecutor did not ask for an answer to his question
4 but asked another question.

5 I make these remarks so that the record may be
6 corrected.

7 CAPTAIN ROBINSON: At this time, if the Court
8 please, I believe we will not take the time to ask the
9 witness' answer to that question. I probably moved too
10 rapidly in asking the next question without inquiring
11 further into the matter.

12 I wish to ask briefly in regard to official
13 action by the defendant in connection with the point
14 mentioned in his affidavit at page 17, where he states:
15 "As to cooperation between Germany and Japan regarding
16 submarine warfare, I can state that there was little."
17 BY CAPTAIN ROBINSON (Continued):

18 Q While you were Chief of the Naval General
19 Staff, Admiral, did you prepare or issue general staff
20 directives bearing on Japanese-German cooperation regard-
21 ing submarine warfare?

22 A Not in my recollection now.

23 CAPTAIN ROBINSON: May the witness be shown
24 IPS document No. 3196-A?

25 (Whereupon, a document was handed

to the witness.)

1 Q This document bears your name, SHIMADA, Shige-
2 taro, does it not? Is that correct?

3 A Yes.

4 Q Well, is it not a Navy General Staff direct-
5 ive of instructions to TOYODA, Commander in Chief of the
6 Combined Fleet?

7 A Yes.

8 Q Does it not provide, in paragraph 2 on the
9 last page (4) at page 4 of the English version of the
10 document -- in the document that you have, probably the
11 last sentence of the order -- as follows?

12 "Cooperate positively with the German sub-
13 marines in their communication destruction war in the
14 Indian Ocean." Is that correct?

15 A Yes.

16 Q Do you recognize that document as being authentic
17 and true?

18 A Well, I cannot say very positively nor exactly
19 but I believe that this is, although it only says "copy"
20 on the document.

21 CAPTAIN ROBINSON: The prosecution therefore
22 offers this document in evidence, if the Court please.

23 ACTING PRESIDENT: You mean the whole document?

24 CAPTAIN ROBINSON: Yes, sir, as prepared and
25

processed; four pages, this order.

1 MR. BRANNON: If the Tribunal please, we would
2 like the opportunity of reading this. It is rather
3 difficult to make an objection or to understand what it
4 is without reading it first.

5 CAPTAIN ROBINSON: If the Court please, as I
6 understand the precedents, the rulings heretofore, that
7 objection has not as yet been accepted as adequate.

8 MR. BRANNON: I am not objecting; I have no
9 grounds to object at the moment.

10 ACTING PRESIDENT: As I understand it, the
11 witness has accepted the authenticity of this, although
12 it is marked a copy.

13 MR. BRANNON: I didn't understand that he
14 positively identified it.

15 CAPTAIN ROBINSON: The witness' statement, I
16 think the record will show, was that he believed it to
17 be genuine, as I understood the witness' answer.

18 This is a duplicate original, if the Court
19 please. I believe the witness went on to say that it
20 might be a copy. In the Navy Ministry, we are informed,
21 duplicate originals were issued, and therefore, short of
22 getting from the Indian Ocean or wherever the other
23 original went, this would be as good a copy as one could
24 produce.

1 MR. BRANNON: If the accused will identify this
2 as having been issued by him, I will withdraw any objec-
3 tion.

4 BY CAPTAIN ROBINSON:

5 Q What is your answer, Admiral? Do you identify
6 this, bearing your name, as having been issued by you?

7 A This copy is not in my recollection. This is
8 a rather long directive, and if what you said was true,
9 well, then there is a line toward the end to the effect
10 which you have just mentioned in your question. But I
11 cannot believe, as you said, Captain Robinson, that this
12 was the best duplicate in the Navy Ministry.

13 ACTING PRESIDENT: That is not the question.
14 Do you admit that you signed this order, or issued the
15 order, or that it was issued by the Navy Ministry?
16 I should say while you were Chief of the Naval General
17 Staff.

18 THE WITNESS: Since at present this document is
19 not in my recollection, I am not in any position to
20 identify it.

21 BY CAPTAIN ROBINSON:

22 Q You find it, do you not, in a volume of Naval
23 General Staff directives for 1944? Isn't that the book
24 you were examining?

25 MR. BRANNON: I understand under the Court's

1 ruling that it may now be offered for identification
2 and presented later by the prosecution in rebuttal,
3 but not presented now; the admissibility to then be
4 argued at that time, and not predicated upon this wit-
5 ness' identification.

6 ACTING PRESIDENT: By a majority the offer of
7 the document in evidence is refused. You may offer it
8 for identification only.

9 CAPTAIN ROBINSON: If the Court please, the
10 prosecution offers the document for identification only.

11 CLERK OF THE COURT: Volume printed in Japanese
12 of Navy General Staff directives for the latter part of
13 the year 1944 will receive exhibit No. 3571 for identi-
14 fication only.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution exhibit No.
17 3571 for identification.)

18 Excerpt therefrom, being prosecution document
19 3196-A, will receive exhibit No. 3571-A for identifica-
20 tion only.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution exhibit No.
23 3571-A for identification.)

24 CAPTAIN ROBINSON: The prosecution now, on the
25 same subject, wishes to present another document.

1 Q : Are you acquainted, Admiral, with Rear Admiral
2 ICHIOKA, Hisashi?

3 A Yes, I am.

4 Q What was his navy command during the first half
5 of 1944, while you were Navy Minister and later also
6 Chief of the Naval General Staff?

7 A I do not recall.

8 Q Was he not the commander of the Eighth Submarine
9 Squadron?

10 A No, I do not recall.

11 Q Did he not send to you, as Navy Minister -- as
12 Commander of the Eighth Submarine Squadron, a top secret
13 communication outlining the records made by various sub-
14 marines in the Indian Ocean area between 1 December 1943
15 and 31 May 1944?

16 A I have no recollection.

17 Q Do you recall a communication from him in which
18 he described the operations of submarines under his com-
19 mand, including a submarine I-8, with respect to keeping
20 on liaison between Japan and Germany?

21 CAPTAIN ROBINSON: May the witness be shown IPS
22 document No. 3146-A?

23 (Whereupon, a document was handed to
24 the witness.)

25 Q Upon examining that document, does it refresh

1 your recollection of your having seen that report from
2 Admiral ICHIOKA?

3 A It appears from this document that it was
4 addressed to the Minister of the Navy on 30 July, and
5 was received on the 14th of August. Now, the 14th of
6 August -- on 14 August I had already left my post as
7 Minister of the Navy one month before.

8 Q Nevertheless it relates to operations between
9 1 December 1943 and 31 May 1944, does it not?

10 A Such a document as this one is sent to the
11 Personnel Affairs Bureau of the Navy Ministry, mention-
12 ing recording the merits of naval personnel to be used
13 as data when citations or decorations are given. The
14 subject of this report, as you will notice, is a periodic
15 report on the outline of meritorious deeds.

16 Q The subject, Admiral, is also "Japanese-German
17 Liaison in the Indian Ocean," and the reason for present-
18 ing this document to you was to see whether it would
19 refresh your recollection that such operations were
20 jointly conducted during the period while you were both
21 Navy Minister and Chief of the Naval General Staff.

22 Does it refresh your recollection on that point?

23 A My memory is not refreshed by this.

24 CAPTAIN ROBINSON: The prosecution offers the
25 document for identification only, if the Court please.

CLERK OF THE COURT: Bound volume entitled
1 "Headquarters No. 5, Outline of Meritorius Records in
2 Greater East Asia, 1 December 1943 to 31 May 1944," will
3 receive exhibit No. 3572 for identification only.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution exhibit No.
6 3572 for identification.)

7 ACTING PRESIDENT: I have a question to put by
8 one of the Members of the Tribunal.

9 BY THE ACTING PRESIDENT:

10 Q You have testified that the oil question was
11 very important for the Navy. Do you remember discussions
12 about the means to prevent the destruction of oil fields
13 in the Netherlands East Indies?

14 A With regard to that, I do not know.

15 Q Did you ever hear anyone propose to threaten
16 the white population or white officials with death if the
17 oil fields should be destroyed?

18 A I have never heard of any such a thing.

19 Q TOJO, in one of the interrogatories, exhibit
20 1979-A, record page 14,553, stated that the Imperial
21 Headquarters drew its membership from Army and Navy
22 General Staff and from Army and Navy Ministry. You
23 testified, record page 34,676, that you had no right
24 to attend. Are you quite sure about this?
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A I firmly believe that my statement is correct.
ACTING PRESIDENT: Mr. Blakeney.

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1 MR. BLAKENEY: On behalf of Mr. TOGO I wish
2 to cross-examine on a point arising out of the cross-
3 examination by the prosecution.

4 CROSS-EXAMINATION (Continued)

5 BY MR. BLAKENEY:

6 Q You were asked in the course of cross-
7 examination, Mr. Witness, whether you knew that no
8 notification of the commencement of hostilities was
9 served on Great Britain, and you were asked if you
10 knew the reasons therefor or what explanation you
11 could give therefor. Now I want to ask you whether
12 it is not a fact that either through discussions in
13 the liaison conference or through having seen copies
14 of diplomatic telegrams routed to the Navy Ministry
15 you were aware of the fact that Secretary Hull had
16 often told the Japanese Ambassadors in Washington
17 that the governments of Great Britain, the Netherlands
18 and China were being consulted and kept informed of
19 the negotiations in progress in Washington?

20 A Yes, I knew that very well.

21 Q And is it a fact that you knew from the
22 reports of the Foreign Minister in the liaison con-
23 ference that he himself had discussed with Ambassador
24 Craigie in Tokyo the question of securing British
25 participation in those negotiations?

A Yes, I have heard about that.

1 Q And is it a fact that contemporaneously you
2 had knowledge of Prime Minister Churchill's speech
3 of 10 November 1941 or thereabouts in which he stated
4 that hostilities between Japan and America would be
5 followed within an hour by the British declaration of
6 war on Japan?

7 A Yes, I remember that very well.

8 MR. BLAKENEY: Thank you.

9 ACTING PRESIDENT: Mr. Logan.

10 MR. LOGAN: If the Tribunal please, I wish
11 to ask a few questions on behalf of Marquis KIDO
12 arising out of the cross-examination by Captain
13 Robinson.

14 CROSS-EXAMINATION (Continued)

15 BY MR. LOGAN:

16 Q Admiral, Friday Captain Robinson asked you
17 a question on page 34,699 of the record which he
18 prefaced by misquoting part of KIDO's affidavit. He
19 prefaced the question by saying this: "you find the
20 defendant KIDO stating that he requested that the Navy
21 Minister and the Chief of the Naval General Staff be
22 called at once, and the true intention of the Navy be
23 ascertained and that the matter be conveyed frankly
24 to the Emperor also." Now, the record, 31,046, shows
25

1 that KIDO in his diary recorded that he advised the
2 Emperor and requested that the Emperor call the Navy
3 Minister and the Chief of the Navy General Staff and
4 that the true intention of the Navy be ascertained and
5 the matter be conveyed frankly to the Premier also,
6 not the Emperor.

7 Admiral, this refers to the meeting that you
8 had with the Emperor on November 30. Now, as a matter
9 of fact, KIDO himself never requested you to appear
10 before the Emperor, did he?

11 A No, he did not.

12 Q And he never had any talk with you before
13 you appeared before the Emperor that day, did he?

14 A No.

15 Q Captain Robinson also said that that record,
16 31,046, stated as follows, which is not correct:
17 Page 34,699 of the record: "Continuing, KIDO stated:
18 'At 6:35 I was summoned in audience and was ordered
19 as follows: The Navy Minister and the Chief of the
20 Naval General Staff have answered my question about
21 the previous matter with considerable confidence and
22 so I instructed the Emperor to proceed as planned.'"
23

24 Now, the record, page 31,046, from which
25 Captain Robinson quoted, states this: "At 6:35 I was
summoned in audience and was ordered as follows: The

1 Navy Minister and the Chief of the Naval General
2 Staff have answered my question about the previous
3 matter with considerable confidence and so I
4 instructed TOJO to proceed as planned."

5 Now, Admiral, the quotations I have read
6 from KIDO's direct testimony, is that the procedure
7 that was adopted and not the procedure which Captain
8 Robinson read to you?

9 A The procedure was exactly as stated in
10 Marquis KIDO's--affidavit, is it, or diary?

11 MR. LOGAN: Yes, affidavit--both, and diary.

12 Now, if the Tribunal please, may I ask for
13 your permission to ask one or two questions on a
14 matter which I thought Admiral SHIMADA had answered
15 on my cross-examination the other day before Captain
16 Robinson cross-examined but which, upon examination
17 of the record, I find that I was mistaken in thinking
18 that he had answered the questions. There will be
19 one or two questions.
20

21 ACTING PRESIDENT: You may ask.
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MR. LOGAN: Thank you. :

1 BY MR. LOGAN: (Continued)

2 Q Admiral, coming back to this meeting of
3 November 29, can you tell us what transpired in the
4 morning meeting when the Senior Statesmen and the
5 Members of the Cabinet met and the Emperor and KIDO
6 were not there?
7

8 A Well, being quite a long time ago, I have
9 forgotten most of the details, but I can state the
10 general outline.

11 Correction by the witness: I remember the
12 important points of the meeting.

13 Q Could you tell us those?

14 A What remains in my impression today is that
15 very long explanations were given to the Senior
16 Statesmen by government representatives such as the
17 Prime Minister, the Foreign Minister and, if I am
18 not mistaken, the President of the Planning Board.

19 Q Did any of the government officials refuse
20 to answer any of the questions of the Senior States-
21 men upon matters other than pure military matters or,
22 rather, military operations to be conducted in the
23 future?
24

25 A There was no one who refused. Everyone re-
plied.

1 Q And were future military operations dis-
2 cussed at all at that meeting?

3 A No.

4 Q Was the military operation for Pearl Harbor
5 a top secret which only a few of the high ranking
6 officials of the Japanese Government knew?

7 A Exactly.

8 Q Do you know if Marquis KIDO ever knew of
9 the attack on Pearl Harbor before it occurred?

10 A No. There would be no chance for him knowing
11 that.

12 Q Was he considered one of the high ranking
13 officials of the Japanese Government who might know
14 about it?

15 A No. He would not be included.

16 MR. LOGAN: Thank you.

17 ACTING PRESIDENT: Captain Robinson.

18 CAPTAIN ROBINSON: If the Court please, Mr.
19 Logan has credited me as misquoting the record here,
20 but I observe that the place at which he states the
21 record is in error is an error in reporting what I
22 stated. Therefore, it can be taken care of as a
23 clerical detail, I should think. But I would like to
24 have this record show that Mr. Logan is in error in
25 stating that that is the way I stated it in the

courtroom.

1 MR. LOGAN: If the Tribunal please, I am
2 not in error. I have quoted the record exactly as
3 it is reported. If there is some other error, it is
4 not mine.

5 CAPTAIN ROBINSON: If the Court please, it
6 is a clerical error which I shall endeavor to see
7 corrected.

8 ACTING PRESIDENT: I think we have gone far
9 enough with that..

10 MR. Brannon.

11 MR. BRANNON: I have a few questions, if the
12 Tribunal please, on redirect examination.

13 REDIRECT EXAMINATION

14 BY MR. BRANNON:

15 Q Now, Admiral, when an Admiral of the Fleet
16 returns from overseas to Japan, when he returns, was
17 he ordinarily received by the Emperor?

18 A Yes, exactly.

19 Q So that when you returned from your China
20 Seas assignment you were accorded the same privileges
21 as other Admirals had been given in the past?

22 A Yes, exactly according to customs.

23 Q Now, you have stated that you were Commander
24 in Chief of the China Fleet and that in that capacity
25

1 you engaged in naval activities against China. May
2 I now ask if you formulated the operational policies
3 against China or was that done by someone else?

4 A It was conducted in accordance with the
5 directions of the Chief of the Naval General Staff.

6 Q The orders were then forwarded to you as
7 Commander in Chief of the China Fleet and you acted
8 in pursuance to those orders?

9 A Yes, as you say.

10 Q Now, in the course of your duties as Commander
11 in Chief of the China Fleet did you at any time issue
12 an order to your subordinates for the attacking of a
13 non-military objective?

14 A No, never.

15 Q Referring for a moment to the blockade of
16 the China coast, mentioned by the prosecutor, I will
17 ask you if all commodities and all articles were kept
18 out of China by that blockade -- attempted to be kept
19 out by that blockade.
20

21 A Although it was in the midst of an incident,
22 this coastal blockade was carried out primarily for
23 the purpose of preventing the inflow of any materials
24 related to war, such as weapons and materials of a
25 corresponding nature which would be an advantage to
the enemy. And I should also like to add -- I should

1 further like to add that Captain Robinson inquired
2 about blockading food supplies. But, in so far as
3 this commodity was concerned, there were conditions
4 attached to it in that any food supplies going to
5 the armed forces were prevented from reaching them.

6 Q So that all materials were not kept out but
7 only those that you considered to be a military
8 necessity?

9 A Yes, as you say.

10 Q Admiral, during the time that you were Navy
11 Minister of Japan, did you receive any oil from the
12 United States?

13 A No, absolutely not, never.

14 Q Now, when the prosecution asked you if you
15 received more oil from the United States than you
16 did from French Indo-China, I believe, were you
17 answering basing your knowledge on what went on
18 before you became Navy Minister or during the time
19 that you were Navy Minister?

20 A In my recollection the question from the
21 prosecutor was directed towards the proportion of
22 oil in storage in Japan, the proportions between
23 the United States and the Netherlands East Indies. .

24 Q I believe also the prosecution asked you from
25 where you got most of the oil, and I was merely asking

1 you whether you predicated your answer upon the time
2 when you were Minister of the Navy or not.

3 A During the time I was Navy Minister not one
4 drop of oil came into Japan.

5 ACTING PRESIDENT: We will adjourn until
6 nine-thirty tomorrow morning.

7 (Whereupon, at 1600, an adjourn-
8 ment was taken until Tuesday, 9 December,
9 1947, at 0930.)

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